

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**V.**

**FREDERICK ALAN VOIGHT, and  
DAYSTAR FUNDING, LP,**

**Defendants,**

**and**

**F.A. VOIGHT & ASSOCIATES, LP,  
RHINE PARTNERS, LP,  
TOPSIDE PARTNERS, LP,  
INTERCORE, INC., and  
INTERCORE RESEARCH CANADA,  
INC. a/k/a INTERCORE CANADA  
RESEARCH, INC.,**

### Relief Defendants.

## JOINT STATUS REPORT

Plaintiff Securities and Exchange Commission files this Joint Status Report on behalf of all parties (“Report”) and respectfully shows as follows:

1. On March 17, 2016, this Court issued an order for a joint status report to be filed by September 15, 2016. [Dkt. 22.]
2. This case was filed by Plaintiff Securities and Exchange Commission (“SEC”) on August 3, 2015, alleging various violations of the federal securities laws by Defendants Frederick Alan Voight, and DayStar Funding, LP (together, “Defendants”). Relief Defendants F.A. Voight & Associates, LP, Rhine Partners, LP, Topside Partners, LP, InterCore, Inc., and

InterCore Research Canada, Inc. a/k/a InterCore Canada Research, Inc. (“IRC”) (collectively, “Relief Defendants”) were named in this lawsuit for collection purposes as entities in possession of the proceeds of fraud as alleged in the Complaint, but were not charged with wrongdoing.

3. Relief Defendant IRC, a Canadian company headquartered in Montreal, Canada and a wholly-owned subsidiary of Relief Defendant InterCore, Inc., filed for bankruptcy in Canada, and a trustee was appointed. The Commission served the IRC Trustee with process on January 14, 2016, but the IRC Trustee has not answered or otherwise appeared. Counsel for the Commission has spoken with counsel for the IRC Trustee, who indicated that IRC did not intend to appear in or otherwise respond to this lawsuit. The Commission intends to file a motion for default judgment against IRC. Plaintiff filed a request for an entry of default today.

4. Both Defendants, and all Relief Defendants except IRC, have settled with the SEC on all issues of liability and have agreed to disgorge funds received as a result of the conduct of the Defendants in an amount, if any, to be determined by the Court. Additionally, each of the Defendants has agreed to pay, subject to the Court’s determination of appropriateness and amount, prejudgment interest on any disgorgement ordered, and a civil penalty. The Court entered agreed partial judgments on September 21, 2015 and December 3, 2015, imposing injunctive relief against the Defendants. [Dkt. 10-12, 16.]

5. The only remaining issues to be determined in this case are: (a) the amount of any disgorgement, prejudgment interest thereon, and civil penalty to be ordered against the Defendants; and (b) for the disgorgement determination, whether any of the Relief Defendants are in possession of money or property traceable to or deriving from the fraud as alleged in the Complaint. Pursuant to the agreed judgments, the Court will consider these issues upon motion of the SEC.

6. The parties have been unable to reach agreement on the monetary relief and have different positions regarding how to proceed.

PLAINTIFF'S POSITION: As set forth in the Agreed Partial Judgments, the Commission will file a motion for monetary relief as against all parties for the Court's consideration, and requests a deadline of November 17, 2016 to file its motion for monetary relief and its motion for default judgment against IRC, which when decided, will resolve all claims in this action. Plaintiff has been in communication with the defaulting relief defendant IRC, and does not believe that "restructuring efforts" described by Defendants, below, will yield any funds whatsoever for the potential return to investors. Further, nothing about the bankruptcy proceedings described below should preclude a judgment here, which will reduce the SEC's claim in any other collection or other proceeding to a sum certain.

DEFENDANTS' POSITION: The Defendants view the proposed Commission motion as premature. The Defendants continue to pursue a bankruptcy claim in the District of Oregon that is set for an upcoming mediation, which if successful may yield substantial funds that would benefit individual lenders. The Defendants are also aware of restructuring efforts by Relief Defendant Intercore, Inc. in a transaction that could include repayment—at least in part—to the individual lenders to Intercore, Inc. Because success in these efforts could materially affect the amount of losses, and thus materially reduce any amounts of disgorgement and monetary penalty, additional time is needed before the SEC monetary claims can be litigated. The Defendants request that the Court withhold any action on such motion as premature and order the filing of another status report on or before November 17, 2016.

7. Counsel for Plaintiff has conferred with counsel for all other parties (other than the defaulting IRC) and represents that they join this report and agreed to its filing.

Dated: September 15, 2016

Respectfully submitted,

*s/Jennifer D. Brandt*

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COUNSEL FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I affirm that on September 15, 2016, I electronically filed the foregoing document with the Clerk of the Court for the Southern District of Texas, Houston Division, and have served all parties in accordance with Fed.R.Civ.P.5(b)(2).

*/s/ Jennifer D. Brandt*

Jennifer D. Brandt